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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,179	06/05/2001	Ko-Meng Chen	MR2349-647	5729

4586 7590 09/08/2004

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

BAUGH, APRIL L

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/873,179	<b>Applicant(s)</b> CHEN, KO-MENG	
	<b>Examiner</b> April L Baugh	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 rejected under 35 U.S.C. 102(e) as being unpatentable by US Publication 2002/0143924 to Iga.
3. Regarding claim 1, Iga teaches a method for updating firmware of an information apparatus by e-mail, comprising following steps: (a) a computer vendor for the information apparatus preparing an update program; (b) the update program is attached to an e-mail sent to the information apparatus to be updated (page 3, section 0038 ); (c) the content of the e-mail is discriminated if the update mode information apparatus is in enabled; (d) if a filename in content type of the e-mail is matched with a file required for update, the information apparatus to be updated receives the e-mail (page 1, section 0005 and page 4, section 00444), (e) the attached file is examined after the e-mail is received; (f) the attached file executes update operation if the examination is correct (page 1, section 0004 and 0009).

Regarding claim 2, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein the update program in step (a) is stored in binary file (page 3, section 0038 and 0040).

Regarding claim 3, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (b) the e-mail is sent to the e-mail address of the information apparatus to be updated (page 3, section 0039 and page 4, section 0042).

Regarding claim 4, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (a) the update program has a filename associated with the information apparatus to be updated (page 1, section 0009 and page 3, section 0038).

Regarding claim 5, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (b) the information apparatus to be updated is connected to Internet (page 1, section 0001).

Regarding claim 6, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 5, wherein in step (b) the information apparatus to be updated is a fax or a printer (page 1, section 0004).

Regarding claim 7, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (b) the information apparatus to be updated is a computer used with an application program (page 2, section 0030).

Regarding claim 8, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (c), the e-mail is read as ordinary mail if the

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update mode information apparatus is not enabled (page 3, section 0030 and page 4, section 0044).

Regarding claim 9, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (c), the content of the e-mail is discriminated with the content type in the MIME format thereof (page 5, section 0048).

Regarding claim 10, Iga teaches the method for updating firmware of an information apparatus by e-mail as in claim 1, wherein in step (e), the attached file is examined by check sum (page 1, section 0005 and page 4, section 0044).

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krishan et al., Wagner et al., Dickinson, and Bartel et al.

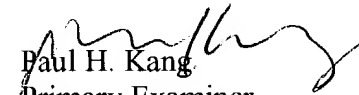
Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul H Kang can be reached on 703-308-6123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April L Baugh  
Examiner  
Art Unit 2141

  
Paul H. Kang  
Primary Examiner  
Art Unit 2141

ALB